

Applicant: Yuan et al.  
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Claims 7-10, 13-15, and 17-21 remain withdrawn from consideration. Applicant respectfully submits that claim 1 is generic to these withdrawn claims, and respectfully requests that claims 7-10, 13-15, and 17-21 be examined and found allowable upon indication of the allowability of claim 1.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 1-6, 11, 12, 16, and 22-26 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey that the inventor(s) had possession of the claimed invention.

Applicant respectfully traverses the rejection, and submits that the claimed invention is clearly described and supported in the present application. As indicated in applicant's previous response, Klein (U.S. Pat. No. 5,776,699) was incorporated by reference into the present application (e.g., see page 6, lines 15-18). Among other things, Klein may be relied upon for its disclosure and teachings of coadministration of retinoids and RAR antagonists or inverse agonists to a patient. In addition, Klein may be relied on for its disclosure of the antagonistic effects mediated by RAR antagonists or inverse agonists with respect to retinoids (see Example 4, Table I). In addition, the instant application discloses therapeutic effects of RAR antagonists and inverse agonists when they are administered to a patient by themselves or without other pharmaceutically active

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agents. In other words, the RAR antagonists and inverse agonists disclosed in the instant application are administered to a subject without the coadministration of retinoids, as disclosed in Klein. Accordingly, the RAR antagonists and inverse agonists disclosed in the instant application are used to treat hyperlipidemia caused other than by the administration of retinoids, and thus, applicant respectfully submits that the claims are clearly and properly described by the specification, and the rejection has been overcome.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-6, 11, 12, 16, and 22-26 remain rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Klein (U.S. Pat. No. 5,776,699) in view of Aberg (Atherosclerosis, 1985), both of which are of record. The Examiner contends that one of ordinary skill in the art would be motivated to employ 4-[[4-(4-ethylphenyl)-2,2-dimethyl-(2H)-thichromen-6-yl]-ethynyl]-benzoic acid in a method of lowering triglyceride and preventing myocardial infarction because the RAR antagonists of Klein et al. are known to be useful in inhibiting hypertriglyceridemia.

Applicant respectfully traverses the rejections. As indicated in applicant's previous response, Klein states that the compounds disclosed therein "can block hypertriglyceridemia caused by coadministered retinoids" (column 20, line 65 to column 21, line 1). Klein does not specifically teach or suggest the use of RAR antagonists or inverse agonists to treat naturally occurring hyperlipidemia. In addition, as indicated

earlier, Klein discloses preventing increases in triglyceride levels after administration of retinoids (see Example 4, Table 10). Klein does not specifically disclose or suggest that RAR antagonists or inverse agonists reduce lipid levels in patients who have not received retinoids. Thus, Klein alone, or in combination with Aberg, does not specifically teach or suggest treating hyperlipidemia as recited in the pending claims.

Because Klein does not specifically teach or suggest the present invention of treating hyperlipidemia caused other than by the administration of retinoids, as recited in the claims, one skilled in the art would not be motivated by Klein to use RAR antagonists, including AGN 194310, to treat hyperlipidemia as claimed, let alone be motivated to combine the teachings of Klein with those of Aberg to prevent myocardial infarction. Among other things, methods of preventing increases in triglyceride levels caused by retinoids using a RAR antagonist or inverse agonist may occur by entirely different mechanisms than reducing lipid levels in patients that have not been administered retinoids. Thus, applicant submits that there would be no reasonable expectation of success to use the agents disclosed by Klein to treat hyperlipidemia caused other than by the administration of retinoids, and thus, one of ordinary skill in the art would not be motivated to use RAR antagonists or inverse agonists as recited in the pending claims.

In view of the foregoing, Applicant respectfully submits that claims 1-6, 11, 12, and 22-26 are unobvious and patentable over Klein in view of Aberg under 35 U.S.C. § 103(a). Thus,


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Applicant respectfully submits that the claims are in condition for allowance, and respectfully requests that the above-identified application be passed to issuance at an early date.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned representative invites the Examiner to telephone him at the number provided below.

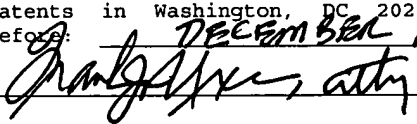
Respectfully submitted,

Date: DECEMBER 16, 2002

  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to: Commissioner for Patents in Washington, DC, 20231, on or before: DECEMBER 16, 2002

  
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